<b>6:</b> ∧○2/	40. (Rev.	Case 1:05-mc-10281-RGS	Document 9	Filed 09/21/2004	4 Page 1 of 3
<del></del>		United S	STATES DIS	STRICT COUF	RT
	1	oston	District of	Massaci	rusetts
Jas	apl,	Plaintiff	AP: WI	PLICATION TO THOUT PREPA	PROCEED  PROCEED  YMENT OF STRICT COURT  VIT TO LOOK OF MASS
U.S.C.	!.,! !in-	V.a. and David L. L. J.M. C. Devens	dinn,	ES AND AFFIDA	WILL THE CHARL OF MASS
		Defendant	CAS	SE NUMBER:	
De p	etitio	en piantin movant	☐ other	est to proceed with	out prepayment of fees or costs
unde relie	er 28° ef sou	USC §1915 I declare that I am ur ght in the complaint/petition/mo	tion.	osts of these brocce	ingo ana mae i am enizare en en
In s	uppor	t of this application, I answer the	e following questi		of perjury:
1.	Are	you currently incarcerated?	☑ Yes	□ No	(If "No," go to Part 2)
	If"Y	es," state the place of your incar	rceration <u>J. M.</u>	, C, Verens	V.50
	Are	you employed at the institution?	VES Do you	a receive any payme	ent from the $\frac{\sqrt{ES}}{\sqrt{ES}}$
	Atta	ch a ledger sheet from the institusactions.	ition(s) of your in	carceration showing	g at least the past six months'
2.	Are	you currently employed?	I Yes	□ No	
	a.	name and address of your empl J. M. C. Deveno, Ed	oyer. Lept. al	bout \$20,0	wages and pay period and give the
	b.	If the answer is "No," state the wages and pay period and the n	date of your last	employment, the an	nount of your take-home salary or
3.	In t	he past 12 twelve months have y	ou received any r	money from any of t	he following sources?
	a. b.	Business, profession or other se Rent payments, interest or divi	elf-employment dends	☐ Yes ☐ Yes	II No II No II No

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive.

☐ Yes

☐ Yes

**™** Yes

**™**No

□ No

□ No

Pensions, annuities or life insurance payments

Disability or workers compensation payments

Gifts or inheritances

Any other sources

C.

đ.

e.

f.

Each defendant who uses the below, Filed 09/21/2004/ Page 2 of 3 Head Junior Prison Rumber 17549-056, what an attorney would have charged to represent your of you win! This Hoplies To all Hulty Place Cases That had the defendant knowed, prior to his plea of quity, that the Hor, attorney would have to prove at trial, if he plead not thirty, Whether Or Not The Defendant Knowld What Was Legal and not Legal at the time of the Offense and that the Defendant Knowingly Violated the Kan alledged Violated. The deferants plea would have been not theilty enstead of Heilty The Court excepted the defendants plea of guilty without requireing defendant to explane to the court, how the defendant was legally quilty, nor required defendant to prove himself quilty. The defendants answer YES to the Ruestion, are you Huilty, was not intelligently made because of, ineffective assistence of course, defendant was a laymen at law and did not himself know what the law required PROVEN to make the defendbat guilty. (Legally Proven) nade him quilty, but that is not the Law. Conviction and bentence Is Illegal, in that, The Court excepted defendants plea of quity, not knowing if the defendant was actually and factually, legally quelty of the offense charges.

Re: State of North Carolina 95 Jaseph 1992 301 Junior, Def. From North Carolina, Each Case To Which a Heilt, Plea Was Entered, and Used To Obtain Upward Departure an Federal Case of Def. Conviction Obtained on Violation of the Laws On Constitution of the United States and The Sentence als Therefore ellegal That had the defendant knowed prior to his plea of quilty, that the Hovernment's attorney would have to prove at trial, if the defendant plead not guilty. 1) Whether Or not The Defendant knowed What Was And Was not Legal At The Time of The alledges offense,? Whether On Not The Defendance Knowingly Violate The Low alledged Violated, At The Time Allesged Violated, and The Way alledged Violated? Whether On Not The Defendant Knowed The Acts alledged Done By Defendant, Violated The Law Alledged Violated, At The Time of The Offense! Whether On Not The Defendant Did The Acts allesged, with the Intent of Violating The Law Alledged Violated The Way Alledged Violated At The Time of the offense? The defendants plea would have been not quilty as to all charges. That the court excepted the defendants plea of guilty without requiring the dependent to explan to the court how

In the United States District Court of the District of Massachusetts

Boston Division

1 Courthouse Way - South 101 2000 C

Boston Massachusetts 02210

Jaseph Marion Head Junior
Prison Number 17549-656
Plaintiff
VS
United States of America
And
State of North Carolina
And
Employees of Each Defendant
Liable Herein And
Relating Hereto
Defendants

Complaint en Forma Pauxeus

Case Civil File Number,

Jurisdiction

The Court has jurisdiction herein pursuant to the provisions of 18-18 and 42 U. S.C. as applies herein and as may be applied herein. Futher pursuant to Lederal Rule 57 of Civil Procedure and The Constitution of The United States of America.

Plaintiff

Plaintiff herein is foseph Marion Head Junior, Prison Number 17549-056, who is a carcausion

## Relief Demanded Herein Vs Related Herein Below

Leave To Proceed en Forma Pauperis Bases On This Courts Records of Plaintiffs Undigence Related Within Court Records.

Appointment of Counsel Hereto, 18U.S.C. 30006A.

Incourt Evidentry Hearing With Plaintiff Present.

That all processes, etc. relating hereto be crosered By the Court, to be fully filmed, recorded, transcribed and transcripts and memergrapted espies of same be ordered made and given to plaintiff free of charge,

Defendants be ordered to pay plaintiff at least one Lillion Pollors Tax Free.

The Court Order The Clerk of Court to make and serve all required espies of this complaint for plaintiff is unable, do so himself, due to his indigence.

Signed Joseph Marion Head funior, 17549-056 On This The 12th. Day of 9th month, 2004

Date This Complaint Sent To The Court By United States Mail, 9-12-04

## Defendants

Defendants herein is the United States of America and the State of North Carolina and the employees of each, which is liable herein and relating hereto.

The Claims And Arounds Herein are Asserted By Plaintiff Himself Without The Assistance of Aperson Professionally trained in law. and Plaintiff Has Never Had any Professional Training of a Law and Is A Laymen At Law. Therefore The Court is to give to plaintiff claims and grounds special consideration, etc., as required by law, eta.

Claims And Frounds Asserted Herein Pro Se

Plaintiffs Federal Sentinces es and Was allegal es That the Hov. attorney Failed To Prove Plaintiffs State Consistions to Be Legal and Valid and Linal, Prior to Useing Same To Plaintiffs Prejudice on Federal Court To Obtain An Upward Departure and Areates Sentences an Plaintiffs Fasteral Cases, Futher Plaintiffs Lederal Court appointed attorney William E. Losse Did Not Enter Objections and

(2)

Plaintiffs federal sentences are illegal in that they are not based on a valid and legal convict ion, as appears and as related and as asserted with in the prison and court records relating to the plaintiffs federal court cases.

Plaintiffs federal convictions are illegal and invalid in that as related and as asserted within the prison and court records relating to plaintiffs federal cases.

Plaintiffs federal sentences and convictions are illegal in that defense attorney William E. Loose failed to present on direct appeal, all, errors, claims, grounds, luhich could have and should have been presented on the direct appeal, as appears and as related and as asserted, within the prison and court records of plaintiffs state and federal prison and court records.

That based on the aforsaid herein, plaintiffs federal sentences was imposed inviolation of the United States and plaintiffs rights thereby.

That based on the aforsaid herein and relating thereto, plaintiffs federal and state convict ions was obtained inviolation of the laws and constitution of the United States On the United States District Court
For the District of Massachusetts of Baston Division SEP 14 P 2:22

1 Courthouse Way - Suite 2 300000URT

Baston Massachusetts 02210

Joseph Marion Head Junios Prison Number 17549-056 Movant

Case Rumber

United States of America And State of North Carolina Respondents

Motion To Dismiss With Prejudice all State and Federal Criminal Charges Against Movant Becouse of Ineffective Assistence of Coursel. Strickland VS Washington and amendment Bit and Fourteen To The Constitution of the United States of America and article One Section Nineteen To The Constitution of North Carolina.

Now Comes, Joseph Marion Hear Junios, movent herein, who fro se respectfully moves the court for dismissal with prejudice because of ineffective assistence of counsel.

The Court is hiritofor riferior to all prison medical phys and court risonds, relating to each of movents state and federal

- Timely nor atherwise Makeing The Below Recon minorations to His Wient in Type Writin Torm.
- 1- Recommendation By Defense Counsel To His Client As To What Plea To Enter And Why.
- 2-Recommendation By Defense Counsel To His Client As To Whether On Not The Client Should On Should Not Except The Blea Bargan Offered By The Hovernments Attorney And Why.
- 3-Recommendation By Defense Coursel To His Client As To Whether En Not Witnesses Should an Should Not Be Subpreinsed and Why
- 4-Recommendation By Defence Counsel To His client As To Whither an Not a Motion For A Speedy Trial By An Impartial fury and Judge Should On Should Not Be Tiled and Why.
- 5-Recommendation By Defense Counsel To His Client As To Whether On Not an appeal Should On Should Not Be Taken and Why.

The above recommendation should be required made as proceedural due process in all cases, criminal, civil, etc.

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive.

Rent payments, interest or dividends

Gifts or inheritances

Any other sources

Pensions, annuities or life insurance payments

Disability or workers compensation payments

b.

đ.

e.

f.

☐ Yes

☐ Yes

☐ Yes

⊡⁄No.

 $\square$  No

Un The United States District Court For the District of Massachusetts Boston Division 1 Courthouse Way - Suite 2300 Boston Massachusetts 02210

Joseph Marion Head Junior Reison Rumber 17849-056 Case File Number Movant VS

United States of America And State of North Carolina And David L. Winn, Warden of J. M.C. Devens Respondento

Motion To Dismiss With Erejudice All State and Lederal Charge's Against Movant On the Kround of Ineffective Forces Self Representation For The Past 30 years, From 1974 Toward.

Now Comes, Joseph Marion Head Junior movant herein, who respectfully mores the Court as related herein above! Eursuant to the provisions of laws and constitutions which applies hereto and may be applied hereto

Morant refers the Court to all State

In the United States District Court
For the District of Massachusetts? 2

Boston Division SINCT COURT

1 Courthouse Way - Suit 23 8 9 ASS

Boston Massachusetts 02210

United States of America VS Joseph Marion Head Junior Defendant

Case File Number

State of North Carolina VS Joseph Marion Head Junior Defendant

Motion For A Competence Hearing For The Rurpose of, In Forma Pauperis.

To Determaine Whether Or Not Defendant was Comfetent At The Time of The Offense Charged and Whether ar Not Defendant Knowed What was Legal and Not Legal At The Time of the Offense Charged. and Whether as Not Defendant Knowingly, Delibertly, Wilfully Violated The Laws alledged Violated By Defendant The Way Stated on The Warrant For Arrest and Bill of Indictments.

To Determaned Whether On Not Defendant es and Was Competent To Effectively Represent (4)

To Determane Whether an Not Defendant was Competent To Make His own Choice on Whither To Vestify an Not on His Own Behalf Relating to His State and Lederal Criminal Cases.

To Determane Whether Or Not Defendant Competently and Effectively Assisted In The Defense of His State and Lederal Criminal Cases.

Convictions of an elecompetent person, violates due process.

U.S. v Masthers, 176 U.S. App. D.C. 242, 246, 539, F. 2d, 721, 725 (1976)

and U.S. Const. Amend, 1, 4, 5, 6, 8, 14 and N. C. Const. art. 1 sec, 19, 23, 27, as applies and as may be applied to the applies to the applies to the Defendant.

Respectfully Presented On This The 10th. Day of 9th month, 2004
Bigned, Jaseph Marion Near Junior aforsaid 9-10-04, Prison Number 17549-056.
N-4 Cell 423
Hederal Medical Center Devens
42 Patton Road
Post office Box 879
Ager, Massachusetts, 01432

page, each source of money and state	gniwollot aht ne ripoet to teceir	is "Yes," describe, o u expect you will co	If the answer to any of the above the amount received and what you			
0 N O O O O O O O O O O O O O O O O O O	□ Xe2 □ Xe2 □ Xe2 □ Xe2 □ Xe2 □ Xe2	straction payments susstion payments	b. Rent payments, interest or one comperest or life in Disability or workers compered. Gifts or inheritances  c. Pensions, annuities or life in difference compered or inheritances  c. Gifts or inheritances  c. Any other sources			
Second printollot adt 10 V	попеу бот в	ve you received any	3. In the past 12 twelve months have			
a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.						
•	0N □	IN Tes	2. Are you currently employed?			
traces a redget sneet from the institution(s) of your incarceration showing at least the past six months,						
O i adt mon tnamvsu \	you receive any	mony Ves Do	are you cappoyed at the institu			
inter aren	dimes!	nosrceration	If "Yes," state the place of you			
		<i>-</i>	L A THE VIHIENTIN THE STORY OF THE			
sensity of perjury:	estions under p	wer the following qu	ar support or this application, I answ			
in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.  One of the support of this application, I answer the following questions under penalty of perjury:						
		□ other	The Defition of the Periton of the P			
The bitioner plant from 1 1519-05 declare that I am the (check appropriate box)						
<i>K</i> :	CYZE NOWBE	or	Hona J. Wallott - Torr			
LION TO PROCEED	$LUOHTIW_{G_i}$	100 TOIST ST 2 NA.	Harph Marun Hear Mishall Bullner			
Mounteeth	rict of M	daid	Morroll			
UNITED STATES DISTRICT COURT						

This Acase 1:05-mc/1028/1-RGS Document 9-5. Filed 09/21/2004 That had the defendant knowed prior to his flea of guilty, that the Hor, attorney would have to prove at trial, if he plead not thuilt, Whether Or Not The Defendant Knowld What Was Legal and Not Legal at the time of the Offense and That The Defendant Knowingly Violated The Law alledges Violates. The deferants plea would have been not their enslead of Heilty The Court excepted the defendants plea of quely without requiring dependant to explane to the court, how the defendant was legally quilty, nor required defendant to prove himself quelty. The defendants answer YES to the Question, are you Huilty, was not intelligently made because of, ineffective assistence of course, defendant was a laymen at law and did not himself know what the law required PROVEN to make the defendant guilty. (Legally Proven) Defendant was of belief, doing the acts , made him quilty, but that is not the Law. Conviction and Sentence Is Illegal, in that, The Court excepted defendants plea of quity, not knowing if the defendant was actually and factually, legally quilty of the offense charged

In the United States District Court
For the District of Massachusetts

Boston Division COURT

1 Courthouse Way - Sente 2300

Boston Massachusette 02210

Joseph Marion Hear Junion
Prison Number 17549-056
VS
Michael J. Sullivan
United States Attorney
Defendant
And
Alina Y. Walcott-Torres
Assistant U.S. Attorney
Defendants

Omplaint In Forma Pauperis civil Case Number

Re: Civil Case Rumbers as Related Within The Court Records, Re: Joseph Marion Hear, Joseph Marion Hear Jr., 17549-056

Jurisdistion.

18-28-42 U.S.C. As Applies Hereto And As May Be Applied Hereto. U.S. Const. amend, 1,5,8, 14 as applies hereto and as may be applied hereto.

## Plaintiff

Flaintiff herein is Joseph Marion Head Junios, Brison Number 17549-056, who is a Carcausion male boun on December Becond 1946 in Hastonia, North Carolina of the United States of America, who is presently housed in N-4 Cell 423 of Lederal Medical Center how the defendant was actually and factually and legally quilty according to law, etc., of the offense charged. Tuther without requiring the defendant to prove to the court that the defendant was actually and factually and legally quilty of the offense charged.

That the defendants answer to the question, are you Hurly, Answer YES, was not Intelligently made, because of, ineffective assistence of coursel, defendant was a laymen at law, defendant though by him doing the acts, made defendant quilty by law, but that is not the law as had to be applied for defendant to have been actually and fastually and legally quilty of the offenses charged.

That the Court excepted the defendants plea of quitly and imposed the sentence and committed the defendant, without knowing whether or not the defendant was actually and fairtually and legally quity.

That the court failed to conduct a competence Heaving To determine whether or not the defendant was competent or not to make a choise of what plea to enter and why and a choise of whether or not to testify.

Boston, Massachusetts.

Defendant herein is Klina Y. Walrott-torres who is an assistant U.S. Attorney in Boston, Massachusetts

Referdants Mailing Address els, John Joseph Moakley U.S. Courthouse 1 Courthouse Way, Suite 9200 Boston, Massachusetts 02210 Phone - (617) 748-3369.

Plaintiffs Claims And Arounds Asserted Herein Pro Se Without Legal Assistance Which Plaintiff Moves The Court For Liberal Consideration, Etc. of Each and a Full of Court Evidentry Hearing on and Relating to Each, With Plaintiff Present For Same Himself With The Assistance of Appointed Coursel Hereto.

Claim and Arounds

Defendants in their prior responds to plaintiffs prior complaints and petitions did not move that plaintiff be appointed coursel nor aforded an in court evidently, hearing on each of his claims, grounds, motions. Why Not? Did This Violate

How Lending, And In The appeal Now Manding.

Conviction Obtained on Violation of the Laws On Constitution of the United States and the Sentence of therefore ellegal.

That had the defendant knowed prior to his plea of quilty, that the Governments attorney would have to prove at trial, if the defendant plead not quilty,

What was And was not Legal At The Time of The alledges offense,?

(2) Whether On Not The Defendand Knowingly Violate The Law alledged Violated, At The Time Alledged Violated, and The Way alledged Violated?

(3) Whether Or Not The Defendant Knowed The Acts alledged Done By Defendant Violated The Law Alledged Violated,

At The Time of The Offense?

(4) Whether Or Not The Defendant Did "The Acts alledged, With the Intent of Violating The Law Alledged Violated The Way Alledged Violated At The Time of The Offense?

The defendants plea would have been not guilty as to all charges.

That the court excepted the defendants plea of quilty without requiring the dependant to explan to the court how

a.	Business, profession or other self-employment	☐ Yes	<b>Z</b> /No
a.	Dusiness, profession of outside and	☐ Yes	D∕No
b.	Rent payments, interest or dividends		,
	Pensions, annuities or life insurance payments	☐ Yes	[ <u>D</u> /No
C.	Pensions, annualies of the institution payments	□ Yes	☑/No
đ	Disability or workers compensation payments	/	— <del>-</del>
	Gifts or inheritances	₩ Yes	□ No
	· ·	₩ Yes	□ No
£.	Any other sources	M 162	

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive.

## FORM TO BE USED BY FEDERAL PRISONERS IN FILING A CIVIL ACTION UNDER 28 U.S.C. § 1331 OR § 1346

IN THE UNITED STAT	ES DISTRICT COURT
DISTRICT OF	
	THE CAN
	DIVISION
	TO SEE THE MASS
psech Marion Hearfunios	
17549-056, 7, M.C. Devens	
Part Office Bax 879	
Ayer-Massachusetts 01432	
(Enter above the full name of the Plaintiff	
or Plaintiffs in this action)	
VS.	
William Brown - Attorney At faw- Boston -	
(F. d. alarmatic full name of the Defendant	
(Enter above the full name of the Defendant	
or Defendants in this action)	
B. If your answer to A is yes, describe the action action, describe the additional actions on the	n in the spaces below. (If there is more than one
1. Parties to the action: NA	
2. Court (Federal Court name the district):	N/A
3. Docket Number: N/A	
4. Name of Judge to whom case was assign	ned: <u>N/A</u>
	i i